

FILED

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK GORDON III,
SHAWN GILREATH,

Defendants.

) INDICTMENT

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CASE NO.

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JUDGE OLIVER

1:21 CR 0094

Title 21, United States Code,
Sections 841(a)(1), (b)(1)(C),
and 846; Title 18, United States
Code, Sections 371 and 1791

GENERAL ALLEGATIONS

At all times relevant to this Indictment, unless otherwise specified:

1. Defendant FRANK GORDON III was a resident of the Northern District of Ohio, Eastern Division. Defendant SHAWN GILREATH was a federal inmate at Federal Correctional Institute Edgefield ("FCI Edgefield"), which is a federal prison located in Edgefield, South Carolina

2. Controlled substances and controlled substance analogues are "prohibited objects" in federal prisons, as defined in Title 18, United States Code, Section 1791.

3. Certain types of controlled substances and controlled substance analogues, such as synthetic cannabinoids, can be sprayed onto or soaked into a piece of paper. The piece of paper can then be disguised as a letter and mailed to an inmate in a federal facility. Once the letter is received by an inmate, it can be broken down into smaller pieces and distributed to other inmates. The smaller pieces of the paper can then be ingested or smoked by an end-user.

4. 4-Fluoro-MDMB-BUTINACA is a synthetic cannabinoid and Schedule I controlled substance, and is therefore a “prohibited object” as defined in Title 18, United States Code, Section 1791. In particular, 4-Fluoro-MDMB-BUTINACA is a Schedule I controlled substance because it is a positional isomer of 5F-AMB, which is classified as a Schedule I controlled substance under 21 C.F.R. § 1308.11(d) as a hallucinogenic.

5. MDMB-4en-PINACA is a synthetic cannabinoid and Schedule I controlled substance analogue as defined in Title 21, United States Code, Section 802(32), and is therefore a “prohibited object” as defined in Title 18, United States Code, Section 1791.

6. CashApp is an electronic payment service that allows users to transfer money to each other using a mobile application.

COUNT 1

(Conspiracy to Provide and Possess Prohibited Objects in Federal Prison, 18 U.S.C. § 371)

The Grand Jury charges:

7. Paragraphs 1 through 6 of this Indictment are hereby repeated, re-alleged, and incorporated by reference as if fully set forth herein.

8. From in or around March 2020 through in or around December of 2020 in the Northern District of Ohio, Eastern Division, and elsewhere, Defendants FRANK GORDON III, SHAWN GILREATH, and others known and unknown to the Grand Jury, did knowingly and intentionally combine, conspire, confederate, and agree together and with each other to provide a prohibited object to an inmate of a prison, and for an inmate of a prison to make, possess, and obtain a prohibited object, in violation of Title 18, United States Code, Section 1791.

All in violation of Title 18, United States Code, Section 371.

OBJECT OF THE CONSPIRACY

9. The object of the conspiracy was for GORDON III and others to provide controlled substances and controlled substance analogues to federal inmates, including GILREATH, in exchange for payments.

MANNER AND MEANS OF THE CONSPIRACY

10. It was part of the conspiracy that:

a. From time to time, GORDON III mailed letters that had been infused with controlled substances and controlled substance analogues to federal prisoners, including GILREATH.

b. From time to time, GILREATH and others would arrange to send payments to GORDON III and others in exchange for the drug-infused letters.

ACTS IN FURTHERANCE OF THE CONSPIRACY

11. In furtherance of the conspiracy and to achieve its objectives, Defendants and their co-conspirators committed the following overt acts, among others, in the Northern District of Ohio, Eastern Division, and elsewhere, including, but not limited to the following:

a. On or about March 23, 2020, GORDON III mailed a letter from the Northern District of Ohio, Eastern Division, addressed to GILREATH at FCI Edgefield. Investigators at FCI Edgefield seized and inspected the incoming letter, which was found to contain a detectable amount of 4-Fluoro-MDMB-BUTINACA. The letter stated, in part, "Hope you're doing well. Here's some pictures of the trip to Oregon. Boy was it cold and wet." Enclosed with the letter were various photographs of the outdoors. The letter was signed "Frank," and bore a return address of "Frank Gordon" at GORDON III's residence in the Northern District of Ohio, Eastern Division.

b. On or about April 2, 2020, GORDON III and GILREATH spoke on the telephone. During that phone call, GORDON III said, "Hey, did you get my letter?" GILREATH responded, "No, when did you send it out?" GORDON III responded, "You know I sent that out about a week ago." GILREATH responded, "Ok, it will be popping up." GORDON III stated, "I heard from the guy and you know . . ." GILREATH interrupted, stating, "Yeah, yeah, he told me." GORDON III stated, "He seemed real nice and concerned about wanting to get it going and whether this would interfere with anything." GILREATH stated, "It might, but uh, not really. Did you hear from 'ole boy' out west?" GORDON III replied, "Yeah, that's what I mean. He's the one who called and I got his letter and then I mailed you a letter with some photos in it."

c. Later in the April 2, 2020, phone conversation, GILREATH stated, "How much is on the CashApp . . . like 1,100?" GORDON III responded, "Yeah, a little over a grand." GILREATH responded, "Yeah, we'll probably send him 1,000." Later in the conversation, GILREATH stated, "Just send that money to 'ole boy' and keep that going."

d. On or about April 20, 2020, GORDON III and GILREATH spoke on the telephone. During that phone call, GILREATH stated, "I ain't got a letter, I ain't got nothing." GORDON III responded, "Uh . . . you told me . . . uh . . . I sent you uh . . . I've been texting you . . . you haven't been getting any of the texts?" GILREATH stated, "No." GORDON III said, "You told me to hang on until I heard from ya." GILREATH responded, "Yeah, yeah, did you ever hear from 'ole boy' out West?" GORDON III said, "Oh yeah, yeah, yeah, yeah . . . he looked out and I got everything and uh . . . got three letters and just waiting for whatever."

e. Later in the April 20, 2020, phone conversation, GILREATH said “Remember the five names I gave you? . . . I don’t want to say them.” GORDON III said, “Yeah, I got those written down.” GILREATH stated, “Ok, there was one that was ‘Curtis.’ Get his current address, you know how to do that and then holler at him and uh . . . write him a letter and tell him 750.” GORDON asked, “you want me to include it or wait ‘til . . .” GILREATH interrupted, “Ya, no go ahead and just tell him 750.”

f. Continuing in the April 20, 2020 conversation, GILREATH stated, “they’re stopping all your mail though, so . . .” GORDON III asked, “Just mine, or . . .” GILREATH interrupted, “Just yours.” GORDON III asked, “Is it because of me, or is it because of you?” GILREATH responded, “Probably because of me, they’re . . . I’m not even going to get into it.” GORDON III stated, “I just hate all those pictures going to waste, you know what I mean?”

g. On or about July 29, 2020, GILREATH mailed a letter from FCI Edgefield, addressed to GORDON III’s residence in the Northern District of Ohio, Eastern Division. The outgoing letter was intercepted by investigators at FCI Edgefield. The letter read: “I just wanted to give you a heads up, Latoya said she sent \$540 via Western Union (\$600 more w/i 2-3 weeks). Mary’s supposed to send a \$100 as well as 2 others. So that’ll be \$300 total on them. Kelly said she sent \$650. Her brother is sending \$400 (US Treasury Check) that should be there in the next 7 days or so. He also has an additional \$400 enroute w/i 2-3 wks (also treasury check). Collectively that’s about \$2k. Hopefully your mechanic is good to go. I hope he hasn’t closed up shop . . . P.S. pls send me a ‘to date’ total in the acct. thx.”

h. On or about July 31, 2020, GORDON III mailed a letter from the Northern District of Ohio, Eastern Division, addressed to inmate Ismael Recio at FCI Edgefield.

Investigators at FCI Edgefield seized and inspected the letter, which was found to contain a detectable amount of 4-Fluoro-MDMB-BUTINACA. The letter stated, in part, "Here's some of my vacation pictures I promised. Spain and France were really nice. It was only a few months ago but with the virus crap it seems like a lifetime." Enclosed with the letter were various pictures, including a picture of people playing bocce, a building, store signs, and a market. The pictures were all stamped on the back with "Spain & France 2017, Ordered at Shutterfly." The letter was signed, "Frank," but the envelope bore a return address of "Robt Matthews" at GORDON III's residence in the Northern District of Ohio, Eastern Division.

i. On or about August 12, 2020, GORDON III mailed a letter from the Northern District of Ohio, Eastern Division, to GILREATH at FCI Edgefield. The letter stated: "Talked to my cousin in sunny CA. He has 3 of my rims & he'd let me have them for 5 ea. He only has 3. What do you think I should do?"

j. On or about August 15, 2020, GORDON and GILREATH had a telephone conversation. GILREATH asked, "Did you get in touch with your dude yet?" GORDON III asked, "Out in California?" GILREATH responded, "Yeah." GORDON said, "Oh yeah, he said he's got three that he'll give you for five a piece. Is that good?" GILREATH said, "No, not really . . . um . . . just go ahead and work with him what you can because I got like double or triple this coming at you . . . everybody keep saying that it's going to be there . . . you know what I'm saying."

k. Later in the August 15, 2020, phone conversation, GORDON III stated, "'Ismael,' I sent one of those to 'Ismael' whatever his name is . . . Is that alright?" GILREATH stated, "No, no, no." GORDON III stated, "he said he talked to you and I tried to get a hold of you and I said hey this guy . . ." GILREATH interrupted, "No, but

remember . . . No it wasn't 'Ismael,' it was another one." GORDON III stated, "Whatever his name was." GILREATH stated, "Yea, yea, yea . . . I wrote you back everything is good . . . yeah."

l. On or about August 16, 2020, GILREATH mailed a letter from FCI Edgefield, addressed to GORDON III's residence in the Northern District of Ohio, Eastern Division. The letter stated, in part, "Glad to finally be able to talk to you. And get things clarified. When you talk to the Jew in Cali [California], try to figure out why the price went up. It was 3/\$1000. Now it's \$500 ea. That's a 50% markup. Perhaps if you refresh his memory a bit it will help. Regardless of what it is, it has to be paid. When you hear back from him let me know and we will go from there. There should be a few U.S. Treasury checks coming to you. When they hit, pls let me know. As well as any other incoming. A couple of M.O.'s [money orders] too."

m. On or about August 19, 2020, GORDON III mailed a letter from the Northern District of Ohio, Eastern Division, to GILREATH at FCI Edgefield. The letter stated, in part, "Talked to Cali, very cool! Just sent email asking for alternative to app. He said 3 for 1! So he's willing to bend."

n. On or about September 1, 2020, GORDON III mailed a letter from the Northern District of Ohio, Eastern Division, addressed to inmate Jeremy Grove at FCI Edgefield. Investigators at FCI Edgefield seized and inspected the letter, which was found to contain a detectable amount of MDMB-4en-PINACA, a controlled substance analogue. The letter discussed how GORDON III had "just got back from the Oregon coast." Enclosed with the letter were various photographs of the outdoors, including multiple photographs of a lake or ocean. The letter was signed "Bob," and bore a return

address of "Bob Matthews" at GORDON III's residence in the Northern District of Ohio, Eastern Division.

o. On or about September 1, 2020, GORDON III mailed a letter from the Northern District of Ohio, Eastern Division, addressed to inmate Robert Randolph at FCI Edgefield. Investigators at FCI Edgefield seized and inspected the letter, which was found to contain a detectable amount of MDMB-4en-PINACA, a controlled substance analogue. The letter stated, in part, "Got back from vacation [and] boy am I tired. Here's a few pictures, will send more as I get them run off. France is nice but has a problem with other tourists." The letter was signed "J.B," and bore a return address of "J.B. Stoner," at GORDON III's residence in the Northern District of Ohio, Eastern Division. Enclosed with the letter were various photographs that appeared similar to the photographs enclosed in the July 31, 2020, letter that GORDON III mailed to Ismael Recio. At least two of the photographs were stamped on the back with "Spain & France 2017, Ordered at Shutterfly."

p. On or about November 29, 2020, GILREATH mailed a letter from FCI Edgefield, addressed to an individual in Pine Lake, Georgia. The letter stated, in part, "I hope this finds you well. I found out the problem is. He did in fact jump his price up. However, due to our histories, I still get the 3 for 1 price. When you & I first spoke it is what it was 3/1, but you weren't able to utilize it properly until now. His business model has changed. So, bear w/me. When I touch down at my next spot I will coordinate your people w/ F [referring to FRANK GORDON III] & I'll make sure your get the 3/1 via F."

All in violation of Title 18, United States Code, Section 371.

COUNT 2

(Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances and Controlled Substance Analogues, 21 U.S.C. § 846)

The Grand Jury further charges:

12. The allegations in paragraphs 1 through 11 of this Indictment are hereby repeated, re-alleged, and incorporated by reference as if fully set forth herein.

13. From in or around March 2020 to in or around December 2020, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendants FRANK GORDON III and SHAWN GILREATH, and others known and unknown to the Grand Jury, did unlawfully, knowingly, and intentionally combine, conspire, confederate, and agree with each other to distribute and possess with intent to distribute a mixture and substance containing a detectable amount of 4-Fluoro-MDMB-BUTINACA, a positional isomer of the Schedule I controlled substance 5F-AMB; and MDMB-4en-PINACA, a Schedule I controlled substance analogue as defined in Title 21, United States Code, Section 802(32), knowing that the substance was intended for human consumption as provided in Title 21, United States Code, Section 813, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

All in violation of Title 21, United States Code, Section 846.

COUNT 3

(Distribution of a Controlled Substance, 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

14. On or about March 23, 2020, in the Northern District of Ohio, Eastern Division, Defendant FRANK GORDON III did knowingly and intentionally distribute to Shawn Gilreath a mixture and substance containing a detectable amount of 4-Fluoro-MDMB-BUTINACA, a positional isomer of the Schedule I controlled substance 5F-AMB, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 4

(Distribution of a Controlled Substance, 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

15. On or about July 31, 2020, in the Northern District of Ohio, Eastern Division, Defendant FRANK GORDON III did knowingly and intentionally distribute to Ismael Recio a mixture and substance containing a detectable amount of 4-Fluoro-MDMB-BUTINACA, a positional isomer of the Schedule I controlled substance 5F-AMB, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 5

(Distribution of a Controlled Substance Analogue, 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

16. On or about September 1, 2020, in the Northern District of Ohio, Eastern Division, Defendant FRANK GORDON III did knowingly and intentionally distribute to Jeremy Grove a mixture and substance containing a detectable amount of MDMB-4en-PINACA, a Schedule I controlled substance analogue as defined in Title 21, United States Code, Section 802(32), knowing that the substance was intended for human consumption as provided in Title 21, United States Code, Section 813, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 6

(Distribution of a Controlled Substance Analogue, 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

The Grand Jury further charges:

17. On or about September 1, 2020, in the Northern District of Ohio, Eastern Division, Defendant FRANK GORDON III did knowingly and intentionally distribute to Robert Randolph a mixture and substance containing a detectable amount of MDMB-4en-PINACA, a Schedule I controlled substance analogue as defined in Title 21, United States Code, Section

802(32), knowing that the substance was intended for human consumption as provided in Title 21, United States Code, Section 813, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

FORFEITURE

The Grand Jury further charges:

18. For the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853, the allegations of Counts 2 through 6 are hereby re-alleged and incorporated herein by reference. As a result of the foregoing offenses, Defendants FRANK GORDON III and SHAWN GILREATH shall forfeit to the United States any and all property constituting or derived from any proceeds they obtained, directly or indirectly, as a result of the violations charged in Counts 2 through 6; and, any and all property used or intended to be used, in any manner or part, to commit or to facilitate the commission of the violations charged in Counts 2 through 6.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.